

**Officer Involved Shooting of Gevork Alachadzhyan  
West Covina Police Department**

**Corporal Adrian Del Haro, #399**

**Officer Matthew Bowman, #418**

**J.S.I.D. File #16-0119**



**JACKIE LACEY**

**District Attorney**

**Justice System Integrity Division**

**October 10, 2017**

## **MEMORANDUM**

TO: CHIEF RICHARD BELL  
West Covina Police Department  
1444 West Garvey Avenue South  
West Covina, California 91790

CAPTAIN CHRISTOPHER BERGNER  
Los Angeles County Sheriff's Department  
Homicide Bureau  
1 Cupania Circle  
Monterey Park, California 91755

FROM: JUSTICE SYSTEM INTEGRITY DIVISION  
Los Angeles County District Attorney's Office

SUBJECT: Officer Involved Shooting of Gevork Alachadzhyan  
J.S.I.D. File #16-0119  
W.C.P.D. File #CR-16-2057  
L.A.S.D. File #016-00028-3199-013

DATE: October 10, 2017

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the March 13, 2016, fatal shooting of Gevork Alachadzhyan by West Covina Police Department (WCPD) Corporal Adrian Del Haro and Officer Matthew Bowman. It is our conclusion that Corporal Del Haro and Officer Bowman acted in lawful self-defense.

The District Attorney's Command Center was notified of this shooting on March 14, 2016, at approximately 12:15 a.m. The District Attorney's Response Team responded and was given a briefing and walk-through of the scene.

The following analysis is based on investigative reports submitted to this office by Los Angeles Sheriff's Department Sergeant Timothy Cain and Detective Dean Camarillo. The reports include witness statements, photographs, and videos. The non-compelled statements of Officers Del Haro and Bowman were considered in this analysis.

### **FACTUAL ANALYSIS**

On March 13, 2016, at approximately 12:10 p.m., the Covina Police Department (CPD) was dispatched to the area of Azusa Avenue and San Bernardino Road regarding a physical disturbance between two men, later identified as Gevork A., and his brother Henry A. Henry A. told the responding officers that he was being followed by someone who was trying to kill him. Gevork A. stated that no one was following his brother. Gevork A. explained that Henry A. had

been paranoid since being released from jail, and had jumped out of a moving vehicle and ran into traffic.<sup>1</sup> Henry A. was taken to Intercommunity Hospital in Covina for a Welfare and Institutions section 5150 psychiatric evaluation. The CPD officers determined that Gevork A. did not meet the criteria for a psychiatric hold, and did not appear to be unstable or under the influence of alcohol and/or narcotics. Hence, the CPD officers did not detain Gevork A., but merely provided him with directions to the hospital.<sup>2</sup>

At approximately 1:55 p.m., Melanie H. called the CPD requesting a welfare check on her brothers, Gevork A. and Henry A.<sup>3</sup> Melanie H. advised that her brothers, Gevork A. and Henry A., had called her and told her that they were at the hospital where two men were attempting to take their property. The CPD contacted the staff at Intercommunity Hospital, who advised the CPD that Henry A. was admitted [REDACTED], but Gevork A. had been escorted out of the facility.

Doctor Kevin H. was the primary doctor in the emergency room at the Intercommunity Hospital when Henry A. was admitted for a psychiatric evaluation. Doctor Kevin H. saw Gevork A. arrive at the location, apparently worried about his brother. Doctor Kevin H. noted that Gevork A. did not appear to meet the criteria for a Welfare and Institutions section 5150 psychiatric evaluation, nor did he appear to be under the influence of alcohol and/or narcotics.

At approximately 6:51 p.m., the CPD again returned to the hospital on a “mentally ill call.” The reporting party was confirmed to be Henry A., who had called the CPD reporting that his brother, Gevork A., was in danger. The hospital staff informed the responding CPD officer that Henry A. was [REDACTED], and no further action was taken by CPD.

At approximately 7:30 p.m., Manuel O. was at his residence located in Covina when Gevork A. came to his front door. Gevork A. appeared paranoid and “frantic” as he asked Manuel O. to borrow his cell phone. Gevork A. stated that it was an emergency, and that his brother had been shot and was in the hospital. Gevork A. asked Manuel O. to call the Glendale Police Department (GPD). Manuel O. called the GPD and handed his phone to Gevork A. Gevork A. was overheard asking to speak to an Armenian detective, requesting that the GDP pick him up at the location, and speaking with a man in Armenian. After approximately ten minutes, Gevork A. left on foot.

At approximately 8:39 p.m., Gevork A. again called the GPD asking to speak to an Armenian detective. Gevork A. advised the GPD that he did not want the WCPD because there was a “conspiracy,” and the West Covina Police Department had “injected” him. Audio recordings of Gevork A.’s communications with the GPD dispatcher were provided as part of this investigation. In the recordings, Gevork A. tells the GPD dispatcher, “They want to kill me.

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<sup>1</sup> [REDACTED]

<sup>2</sup> This encounter with officers was captured by the CPD officers’ “dash-cam” video recorder, mounted inside the patrol vehicle. Throughout the approximately nine-minute recording, Gevork A. answers the officers’ investigative questions, and states that his brother is talking “crazy.”

<sup>3</sup> Melanie H. was calling from her residence in the state of Washington.

They're after my brother. They're after me, so I'm hiding now. I need some help. They have injected my brother. I'm having a very big problem. They're gonna kill me. They're gonna come after me. The police and the doctors are mafia together. They're all the same. It's one big game." The GPD communications dispatcher made several attempts to assist Gevork A., which included, utilizing an Armenian language interpreter to try to communicate better with Gevork A., and calling his sister, Melanie H., in an attempt to get more information. However, Gevork A. was unable to provide any specific information about what type of assistance he needed, or what type of threat he faced. During her communications with the GPD dispatcher, Melanie H. denied Gevork A. had mental issues or alcohol issues, but was otherwise unable to provide any meaningful assistance to the GPD dispatcher. Ultimately, the GPD dispatcher was able to determine that Gevork A. was at a Verizon store located in the City of West Covina, and advised the WCPD to conduct a welfare check on Gevork A.

WCPD Corporal Adrian Del Haro and Officer Cody Iside responded to the location, where they made contact with Gevork A. inside a "Waba Grill" restaurant, located adjacent to the Verizon store. Del Haro and Iside spoke with Gevork A. and checked him for warrants.<sup>4</sup> After determining that Gevork A. did not have any warrants, Iside offered Gevork A. a ride to the Covina Square Shopping Center located in the City of West Covina.

Iside handcuffed and transported Gevork A. in his marked black and white police vehicle. Once at the shopping center, Iside parked his police vehicle in the parking lot, and opened the right rear door of his police vehicle. Gevork A. stood up, and Iside removed the handcuffs. Immediately thereafter, Gevork A. ran around the idling police vehicle, entered the driver's side door, and sat behind the steering wheel. Gevork A. shut the driver's side door, so Iside jumped through the open driver's door window in an attempt to prevent Gevork A. from taking his vehicle. The upper half of Iside's body was inside the police vehicle, leaving both his legs dangling outside the driver's door. Iside's gun belt was resting on the lower portion of the police vehicle's window frame. Iside and Gevork A. struggled for control of the gearshift; however, Gevork A. was able to shift the vehicle into drive.

Gevork A. drove for approximately 25 feet with Iside hanging out the driver's side window. When the police vehicle picked up speed, Iside was forced to jump off as Gevork A. continued driving westbound through the parking lot. Iside advised his dispatch center, via his hand-held radio, that Gevork A. had stolen his police vehicle, and identified him as the same individual from the welfare check earlier.

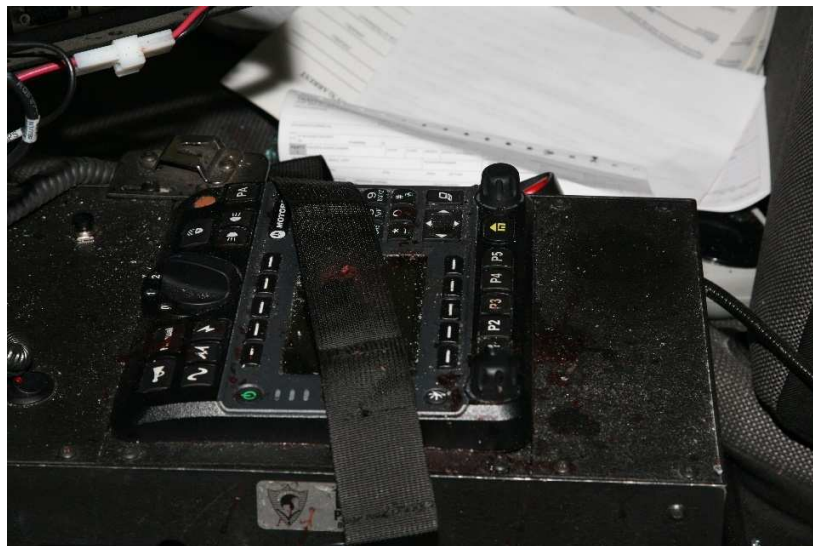
Gevork A. left the parking lot, and continued west through Azusa Avenue. Del Haro intercepted the stolen police vehicle within a few minutes, and initiated a vehicle pursuit. Shortly thereafter, K-9 Patrol Unit Officer Matthew Bowman joined the pursuit as the secondary unit.

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<sup>4</sup> The officers' interaction with Gevork A. inside the Waba Grill was captured by the restaurant's interior surveillance video cameras. There is no audio, but the video footage shows Gevork A. very animated, moving his hands and gesturing, while talking on the restaurant's cordless phone, and later while speaking with the officers. After conversing with the officers for approximately nine minutes, Gevork A. voluntarily leaves the restaurant, followed by Iside and Del Haro at or near 9:15 p.m., per the timestamp on the video footage.

The pursuit started in West Covina and went through La Puente, Walnut, Industry, El Monte, Temple City, Alhambra, El Sereno, Downtown Los Angeles, Hollywood, Toluca Lake, Van Nuys, North Hollywood, Northeast Los Angeles, and Glendale. Gevork A. drove at various speeds, ranging between 40 miles per hour to 120 miles per hour on surface streets and freeways. During the pursuit, Gevork A. committed numerous traffic violations. Gevork A. traveled at excessive speeds, failed to stop at numerous red lights and stop signs, and traveled on the wrong side of the road. While traveling through an intersection in the City of La Puente, Gevork A. collided with another vehicle, and failed to stop, in violation of Vehicle Code section 20002(a). The motorist involved in the collision was halfway in the intersection when his vehicle was struck by the stolen police vehicle, which failed to stop at a red light and was traveling on the wrong side of the road.

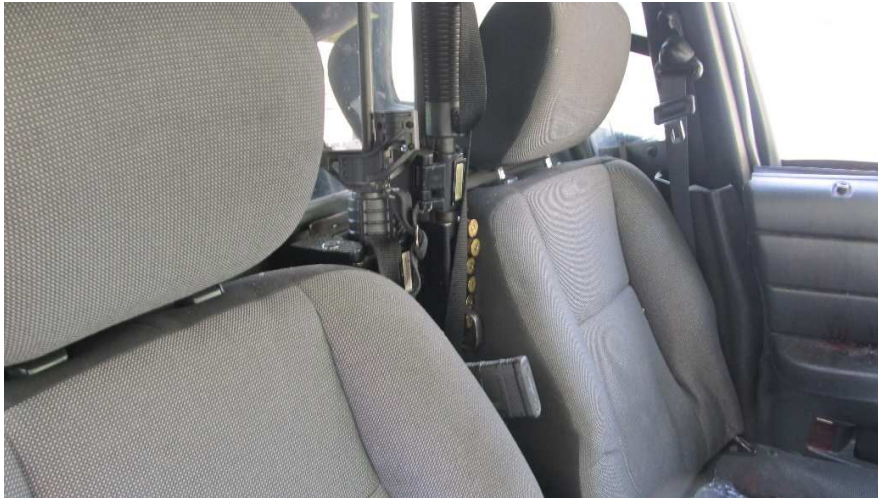
During the pursuit, Del Haro broadcasted his observations that Gevork A. appeared to be reaching down to the center console area of the police vehicle, where the control panel was located. The control panel contained keys and buttons which controlled many of the police vehicle's functions, including the gun lock release button for disengaging the AR-15 rifle and shotgun.



The Stolen Police Vehicle's Control Panel and Gun Lock Release Button

The control panel also contained keys and buttons which controlled other vehicle functions, such as the overhead lights, siren, alley lights, brake lights, rear facing hazard lights, and the radio frequency channels.

The AR-15 rifle and shotgun were mounted vertically, side-by-side, between the front bucket seats in the police vehicle. The rifle, a .223 caliber semiautomatic rifle, had an empty chamber, but was loaded with 28 live rounds in the magazine. The .12 gauge, pump-action shotgun, had an empty chamber, but was loaded with 12 gauge shells in the magazine. The shotgun also had two slugs in the butt stock on both sides (four total), and six "00 Buck" shells in the attached ammunition holder.



AR-15 Rifle and Shotgun Mounted Between the Driver and Passenger Seats

Iside's personally owned AR-15 rifle was also in the trunk of the police vehicle, in a rifle case, loaded with 28 rounds in the magazine.

Several times during the pursuit, Gevork A. activated the emergency rotating lights on the stolen patrol vehicle, blacked out the brake lights/tail lights, and transmitted screams on the police radio, both on the main channel and the back-up channel, Channel 2, indicating that he was actively manipulating the control panel during the pursuit.



Stolen Police Vehicle with Its Overhead Lights Activated During the Pursuit

The WCPD radio communications recordings were provided as part of this investigation. The recordings capture Gevork A. repeatedly yelling mostly unintelligible things into the different radio channels. Although Gevork A. mostly screams at the top of his lungs into the radio, at one point he is heard saying, "My brother! My poor brother! Police want to kill me!"



Eventually, Gevork A. turned into a parking lot alley off Isabel Street in the City of Glendale, still being pursued by Del Haro and Bowman. By this point, several units were trailing the pursuit, including WCPD Sergeant Keith Freeman, and WCPD Officer Eric Street, who was the third vehicle in the pursuit. When Gevork A. turned south in the alleyway, Del Haro executed a Precision Immobilization Technique (PIT) maneuver that caused the stolen patrol vehicle to spin around 180-degrees, and come to a complete stop.<sup>5</sup>

Del Haro exited his vehicle, drew his service weapon, and walked to the rear of his vehicle as he gave Gevork A. commands to put his hands up. Gevork A. accelerated the stolen police vehicle in reverse for a short distance, before backing into a parking lot. Gevork A. stopped but quickly began to drive forward, towards the alleyway attempting to flee. Del Haro and Bowman then intentionally collided their patrol vehicles into the driver's side and front of the stolen police vehicle, pinning it against a low block wall in an attempt to prevent Gevork A. from resuming his flight.



Stolen Police Vehicle Being Impacted by Corporal Del Haro's Vehicle

Television station KCAL 9 captured the pursuit. The video footage is approximately 48 minutes long, and shows the stolen police vehicle driving past numerous red traffic lights, as it travels at a high rate of speed with its overhead lights flashing.



Stolen Police Vehicle Being Impacted by Officer Bowman's Vehicle

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<sup>5</sup> A PIT maneuver is a pursuit tactic by which a pursuing vehicle can force a fleeing vehicle to abruptly turn sideways, causing the driver to lose control and stop.

Del Haro exited his vehicle and drew his service weapon, followed almost immediately by Bowman, who also exited his vehicle and drew his service weapon. Before they could give any further commands, Del Haro and Bowman both observed Gevork A. quickly reach for the guns. Del Haro was out of his vehicle when he observed Gevork A. reach toward the rifle and shotgun, which were immediately to his right between the driver and passenger seats. Bowman was also out of his vehicle when he observed Gevork A. grip the barrel of the rifle with his right hand. In fear that Gevork A. was arming himself and was about to shoot them, Del Haro and Bowman fired their service weapons at Gevork A. striking him multiple times on the head and upper torso.

Although the KCAL 9 footage captured the PIT maneuver, and the series of events following it; the actual shooting is not visible in the video footage due to the dark lighting conditions, and the heavy smoke surrounding the vehicles at the termination of the pursuit.<sup>6</sup>



The Shooting at the Termination of the Pursuit

GPD Officer and licensed paramedic Matthew Stafford responded to the scene to assist. Stafford examined Gevork A. while Gevork A. was still seated in the stolen patrol vehicle following the shooting. Stafford declared Gevork A. deceased at 10:55 p.m.

Deputy Medical Examiner Juan M. Carrillo performed an autopsy of Gevork A.'s remains. Gevork A. sustained a total of ten gunshot wounds, among these, six penetrating gunshot wounds to the head and neck, and four penetrating gunshot wounds to the chest and arm. The toxicological examination showed a "minimal" amount of methamphetamine in Gevork A.'s body.<sup>7</sup>

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<sup>6</sup> Neither Del Haro nor Bowman's police vehicles were equipped with dash-cam video cameras.

<sup>7</sup> The toxicology result for methamphetamine was .03 ug/mL (microgram per milliliter). Per analyst Oscar Pleitez, the .03 ug/mL result is considered a "minimal" amount because it is on the "low end" of the calibration scale. The maximum level on the calibration scale is 2.0 ug/mL. Further, assuming a legal prescription, the result is within the therapeutic range for methamphetamine.



### **Statement of Officer Cody Iside**

Iside was on duty as a one-man unit in uniform, in a marked patrol vehicle, when he responded to the welfare check call at the Verizon store. The call stated that the GPD was the reporting party, and that a man had gone into the store asking to borrow a phone. The man proceeded to use the phone to call the GPD, and advised their dispatch that WCPD officers were after him, and that people and the police were trying to poison him.

Del Haro arrived first to the location. Shortly after his arrival, Del Haro advised Iside over the radio that he was unable to locate the man identified in the call. Iside arrived on scene shortly thereafter. Iside and Del Haro were each sitting in their respective police vehicles in the parking lot when Del Haro observed a man, later identified as Gevork A., pacing back and forth in front of the Waba Grill restaurant located adjacent to the Verizon store. Gevork A. entered the Waba Grill, where he was contacted by Iside and Del Haro. Gevork A. was on a wireless phone, and was heard stating that he needed help, that the police were after him, that someone tried to kill his brother, and that his brother was put in a hospital where someone had injected him. Iside retrieved the phone handset, and learned that Gevork A. was speaking with a dispatcher from the GPD.

Iside and Del Haro escorted Gevork A. out of the restaurant, and patted him down for weapons. Gevork A. had a set of Ford vehicle keys in his possession, but no weapons. Gevork A. did not appear to be under the influence of alcohol or narcotics, nor did he appear to meet the criteria for a Welfare and Institutions section 5150 psychiatric hold. Gevork A. was cooperative, and did not display any violent or disruptive behavior. Iside offered Gevork A. a ride to another location, and Gevork A. agreed so long as the "Mafia" was not going to be present. Iside then placed Gevork A. in handcuffs, and sat him in the backseat of his police vehicle.

Iside drove Gevork A. to a parking lot located on the southeast corner of Azusa Avenue and San Bernardino Road, in the City of West Covina. Iside directed Gevork A. to a Shell Gas Station, which was directly across the street. Iside exited his patrol vehicle, and walked to the right rear passenger door to let Gevork A. out. Gevork A. was hesitant to exit the vehicle, believing the "Mafia" was watching him, but he nonetheless exited the vehicle, at which time Iside removed the handcuffs.

Gevork A. walked towards the Shell Gas Station, while Iside remained standing near the right rear passenger door. Gevork A. asked Iside if the GPD was nearby, and Iside assured him that it was. Gevork A. suddenly screamed, "No!" and ran around the hood of Iside's police vehicle, towards the open driver's side door. Iside ran after Gevork A., and reached for his shirt, but Gevork A. managed to sit in the driver's seat of the police vehicle and slammed the door shut. Iside jumped through the open driver's door window attempting to prevent Gevork A. from taking his vehicle. Iside's legs were dangling outside the driver's door, while the upper half of his body was inside the vehicle.

Iside and Gevork A. struggled for control of the gearshift, but Gevork A. was able to shift the vehicle into drive. Gevork A. traveled westbound through the parking lot at approximately 15 miles per hour, with Iside still partially inside the driver's window. After approximately 25 feet,

Iside finally jumped out of the moving vehicle as Gevork A. accelerated and continued traveling westbound on San Bernardino Road, and out of view.

Because the mobile radio inside the patrol vehicle was on the main frequency, Channel 1, Iside used his hand-held radio to advise all units to switch to the back-up channel, Channel 2, where he reported that his police vehicle had just been stolen by the same man from the earlier welfare-check call.

### **Statement of Corporal Adrian Del Haro**

Del Haro was on duty as a one-man unit, in uniform, and driving a marked black and white Ford Explorer police vehicle, when he was dispatched to a welfare-check call at the Verizon store for a man who had called the GPD. Del Haro arrived first, but was informed by a store employee that the man had left the store approximately ten minutes prior to Del Haro's arrival. Del Haro was also advised that the man had used their telephone, and appeared to have mental problems, or was possibly under the influence of a controlled substance.

Del Haro and Iside were sitting in their respective police vehicles, when Del Haro observed Gevork A. walking back and forth in front of the Waba Grill restaurant. Gevork A. entered the Waba Grill restaurant, where he was contacted by Del Haro and Iside who walked him outside to their police vehicles. When Del Haro inquired if Gevork A. had any mental problems, or if he was in need of medical attention, and/or had been using controlled substances, Gevork A. did not answer his questions and demanded to speak with an Armenian officer.

Del Haro conducted a pat down search of Gevork A. for weapons, but only found him in possession of a set of keys to a Ford vehicle. Del Haro looked for, but was unable to locate a Ford vehicle belonging to Gevork A. at the location.<sup>8</sup> Del Haro returned Gevork A.'s keys, and assisted Iside in placing Gevork A. in the backseat of Iside's police vehicle. Once Gevork A. was handcuffed and secured in the backseat, Del Haro departed from the scene.

Shortly after departing, Del Haro heard a radio transmission from Iside, who sounded out of breath as he advised all units to switch their radio frequencies to Channel 2, WCPD's secondary channel. Once he did so, Del Haro heard Iside say that his police vehicle had been stolen, and had last been seen westbound San Bernardino Road. Del Haro activated the GPS function on his police vehicle's Mobile Digital Computer and immediately observed the stolen police vehicle traveling southbound on Lark Ellen Avenue.<sup>9</sup> As Del Haro traveled northbound on Azusa Avenue, he came upon the stolen police vehicle traveling toward him. Del Haro used his police vehicle's forward mounted driver's side spotlight, and shined the light into the passenger compartment of the stolen police vehicle, at which time he confirmed that the suspect driving the

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<sup>8</sup> Investigators later learned that the keys belonged to a Ford ambulance conversion vehicle belonging to Akop P., which was subsequently located at [REDACTED] in the City of Covina. Akop P. informed investigators that on March 11, 2016, he loaned his vehicle to Gevork A., so that Gevork A. could pick up Henry A. from jail, but Gevork A. had not returned the vehicle.

<sup>9</sup> The stolen police vehicle was equipped with a GPS system that allowed the officers to track its location throughout the pursuit.

stolen police vehicle was Gevork A., whom he and Iside had contacted at the Waba Grill restaurant minutes earlier.

Del Haro made a U-turn, positioned his vehicle directly behind the stolen police vehicle, and activated his vehicle's overhead lights and sirens, initiating a pursuit. During the hour long pursuit that followed, Gevork A. weaved in and out of traffic, failed to stop at several red lights and stop signs, and failed to stop after colliding with a motorist. Gevork A. maintained speeds that fluctuated between 50 and 115 miles per hour. Gevork A.'s vehicle reached top speeds of approximately 80 to 90 miles per hour on surface streets, and approximately 115 miles per hour on the freeway. The pursuit traveled westbound through several cities.

During the pursuit, Del Haro observed Gevork A. looking down toward the center console area, where the control panel was housed, and appeared to be manipulating the control panel. Del Haro, who was broadcasting his observations and location, became concerned because the gun lock button to disengage the shotgun and AR-15 rifle was located on the control panel where Gevork A.'s attention was focused.<sup>10</sup>

Subsequent to Del Haro's observations, Gevork A. activated the stolen police vehicle's overhead lights, which heightened Del Haro's concerns that Gevork A. would locate, or had already located, the button to disengage the shotgun and AR-15 rifle.

Although WCPD officers had initially switched channels from their main frequency to their secondary channel to broadcast all radio traffic, at some point as the pursuit was traveling westbound Valley Boulevard, Del Haro heard Gevork A.'s voice transmitting from the police radio. Gevork A. was yelling unintelligible words into the police radio. Gevork A.'s ability to locate the frequency utilized by the WCPD officers prompted the officers to switch back to the main frequency, Channel 1. Subsequently, Del Haro requested a Mutual Aid channel, Mutual Aid – Channel 4, and this was activated to broadcast the pursuit.

Attempts to deploy spike strips were made at various points in the pursuit, but Gevork A.'s high speeds prevented the officers from successfully deploying the spike strips. Further, although Del Haro and his supervisors discussed a PIT maneuver during the pursuit, Gevork A.'s speeds were too excessive to attempt such a maneuver.<sup>11</sup>

Once Del Haro became aware that a WCPD K-9 Unit was involved in the pursuit (Bowman), he requested this unit to take the secondary position behind him, so as to have an additional less lethal option available at the termination of the pursuit.

Del Haro pursued Gevork A. into the City of Glendale where Gevork A. turned southbound into an alley. Del Haro entered the alley, and observed that the alley was a dead end, "T"

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<sup>10</sup> Sergeant Keith Freeman of the WCPD noted that Gevork A.'s possible manipulation of the gun lock, and access to the rifle and shotgun was of particular concern for all of the WCPD officers involved, as all WCPD officers have been trained and are well aware of the 1983 murder of WCPD Officer Kenneth Wrede, who was killed by a suspect who ripped the shotgun from his police vehicle's mounting bracket, and shot him.

<sup>11</sup> Del Haro had been properly trained in performing a PIT maneuver.

intersection, which forced the stolen police vehicle to turn left or right. In an effort to end the pursuit, Del Haro performed the PIT maneuver, causing the stolen police vehicle to rotate 180-degrees in a clockwise direction. The right front quarter panel of Del Haro's vehicle was parallel with the stolen police vehicle's right front quarter panel, causing the stolen patrol vehicle to come to a complete stop. As Del Haro exited his vehicle with his service weapon drawn, he walked to the rear of his vehicle as he gave commands to Gevork A. to put his hands up. Del Haro then heard the sound of screeching tires, and saw the stolen police vehicle accelerate in reverse, southbound in the alleyway. Del Haro re-entered his vehicle and advanced toward the stolen police vehicle, which appeared to be attempting to make a three-point turn. To prevent Gevork A. from fleeing, Del Haro intentionally collided with the stolen police vehicle, impacting it on the driver's side.

Del Haro's front headlights and forward mounted spotlight illuminated the front windshield of the stolen police vehicle, allowing Del Haro to observe Gevork A. seated in the driver's seat, with the driver's door window of the stolen police vehicle rolled down. Del Haro pointed his service weapon at Gevork A., as he continued to yell at him to put his hands up.<sup>12</sup> As Del Haro began to exit his vehicle, he observed Gevork A. reach toward the shotgun. Del Haro stated, it "looked like he was grabbing the shotgun." Del Haro added, "Based on the manipulations of the "Unitrol" (control panel), I knew he was able to change the radio frequencies, turn the lights on. He'd been driving this car for 45 minutes to an hour. And, I'd seen him at various times during the pursuit looking down and manipulating buttons. And, I wasn't able to tell what position the shotgun was in. I feared he was going to grab the shotgun and shoot me with it. So, I shot him." Fearing for his life, Del Haro fired his service weapon approximately four times at Gevork A.<sup>13</sup>

Although Del Haro was aware that Bowman had arrived at the termination point; he was unaware if Bowman also shot.

### **Statement of Officer Matthew Bowman**

Bowman was at the WCPD Station when he heard Iside's transmission that his police vehicle had just been stolen. Bowman responded, in a Ford Crown Victoria K-9 police vehicle, with his canine in the back seat. Immediately after leaving the station, Bowman heard Del Haro say that he had located the stolen police vehicle and had initiated a pursuit.

With his lights and sirens activated, Bowman joined the pursuit, which was now westbound Valley Boulevard, in the City of West Covina. Bowman assumed the "number two" position, behind Del Haro, in the pursuit. During the pursuit, Gevork A. yelled unintelligible things over the police radio. As a result, Sergeant Keith Freeman ordered all units involved in the pursuit to switch from Channel 2 to the WCPD main frequency. Because the police radio had a scan and preset functions that were programmed into each radio vehicle, Gevork A.'s transmission on the WCPD frequency indicated to Bowman that Gevork A. had figured out a way to manipulate the stolen police vehicle's police radio.

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<sup>12</sup> Del Haro was armed with a department issued Glock-21, .45 caliber semiautomatic handgun.

<sup>13</sup> Del Haro's service weapon in use at the time of the incident contained one live round in the chamber, and 13 live rounds in the magazine. A subsequent examination of Del Haro's service weapon revealed three live rounds in the magazine and one live round in the chamber, indicating Del Haro, in fact, fired ten rounds during the incident.

Prior to approaching the 605 Freeway overpass, Gevork A. activated the overhead lights on the stolen police vehicle. Bowman knew that there was a shotgun and an AR-15 rifle located between the front seats of the police vehicle. Therefore, Bowman became concerned because the switch to activate the lights, the knobs to switch radio frequencies, and the button to unlock the gun rack, which contained the shotgun and the rifle, were all on the same panel. During the pursuit, Bowman observed that the stolen police vehicle would slow down, but no brake light would come on, indicating that Gevork A. had also pressed the “brake cut out light” button on the control panel.<sup>14</sup> This heightened Bowman’s concerns, as it indicated Gevork A. was learning the buttons on the control panel.

Ultimately, Bowman pursued Gevork A. into a “T” shaped alley. Bowman’s vehicle was directly behind Del Haro’s vehicle upon entering the alley. As the stolen police vehicle turned right at the “T” portion of the alley, Del Haro performed a PIT maneuver, which spun the stolen police vehicle 180-degrees. Bowman exited his patrol vehicle, but quickly realized the PIT maneuver was unsuccessful in stopping Gevork A. because Gevork A. had then traveled in reverse, before colliding with a block wall. Bowman re-entered his vehicle, and quickly made a right turn in order to travel southbound in the alley. The stolen police vehicle’s engine was revving, as Del Haro collided with the stolen police vehicle. The torque of the engine caused the stolen police vehicle to rock back-and-forth, indicating Gevork A. was attempting to accelerate and flee.

To prevent Gevork A. from fleeing, Bowman collided into the front of the stolen police vehicle, pinning the stolen police vehicle. Bowman then exited his vehicle and stood in the wedge between his driver’s door, with a clear line of sight through the stolen police vehicle’s front windshield. The front headlights of Bowman’s vehicle and the light mounted on Bowman’s service weapon illuminated the stolen police vehicle.<sup>15</sup> Gevork A. remained seated in the driver’s seat as the stolen police vehicle’s engine continued to rev.

Gevork A.’s left hand dropped below the steering wheel area, as his right hand moved toward the control panel. Gevork A.’s right hand was on the police vehicle’s control panel. Gevork A.’s head was tilted at a 45-degree angle to the right, as his right hand came up from the center console area, and immediately reached back toward the firearms, located between the driver and passenger seats. Gevork A. gripped the barrel of the rifle with his right hand. Believing that Gevork A. had disengaged the lock to the shotgun and AR-15 rifle, and in fear that Gevork A. was now going to remove the rifle and shoot him, or someone near him, Bowman fired approximately three rounds at Gevork A. through the front windshield of the stolen police vehicle.<sup>16</sup>

All of Gevork A.’s actions up to that point led Bowman to believe that Gevork A. had depressed, and disengaged the gun lock. Further, Gevork A.’s quick grabbing of the barrel of the rifle, led

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<sup>14</sup> The brake cut out light function allows a patrol vehicle to apply the brakes without the rear lights being visible.

<sup>15</sup> Bowman was armed with a department issued Glock-21, .45 caliber semiautomatic handgun.

<sup>16</sup> At the time of the incident, Bowman’s service weapon had one live round in the chamber, and 13 live rounds in the magazine. A subsequent examination of Bowman’s service weapon revealed it had one live round in the chamber and eight live rounds in the magazine, indicating Bowman had, in fact, fired his service weapon five times.

Bowman to believe that Gevorg A. was about to pull the rifle right out of the rack, and shoot him with a far superior weapon to Bowman's service weapon.

Bowman did not observe Del Haro's actions, and was unaware that Del Haro had also fired his service weapon.

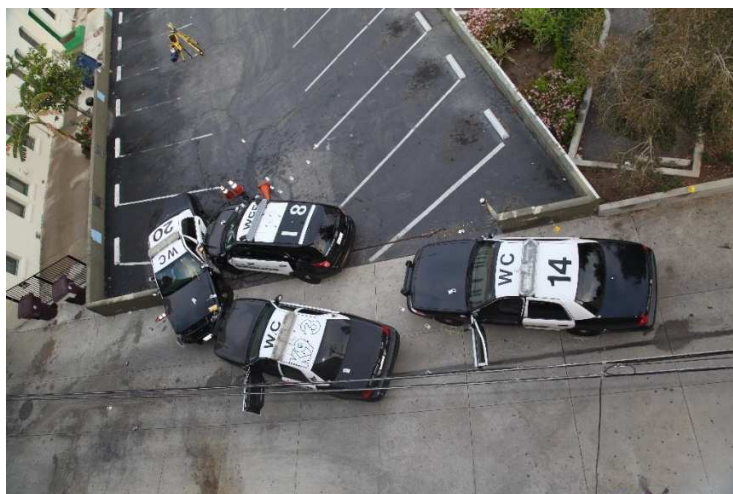
### **Physical Evidence**

At the scene, Del Haro's marked black and white WCPD police vehicle, number "18A," and Bowman's WCPD marked police vehicle, number "K9-3," were facing southwest in the alley, while the recovered stolen police vehicle, a marked black and white police vehicle with the number "20" on the roof, was facing east. The stolen police vehicle had four bullet holes in the windshield.



Stolen Police Vehicle with Bullet Holes on the Front Windshield

The front driver and front passenger door windows were down. The front passenger side door of the vehicle was pinned against the end of a block wall, the driver's door was crushed closed by the front end push bar on vehicle number 18A, and the front end on the driver's side of the vehicle was crushed by the front end push bar on vehicle number K9-3.



Position of Vehicles at Termination of the Pursuit



Fifteen fired cartridges, two fired bullets, and two bullet fragments were recovered from the scene. An additional fired bullet was later recovered from the passenger side dash area.

Gevork A. was deceased in the driver's seat of the vehicle. There was blood splatter inside the vehicle, concentrated around the driver's seat, interior of the driver's door, center console, and on the outside of the driver's front and rear doors. Gevork A. was slouched down in the seat leaning to his right, with his right arm resting on the center console where the control panel was housed. Gevork A.'s left arm was on his lap, and he was not wearing a seatbelt.

The steering wheel airbag had deployed. The loaded AR-15 rifle and shotgun were mounted vertically in the gun racks between the driver and passenger seats. The gun racks were locked.

Investigators examined the gun rack lock release button for the shotgun and rifle, which was located on the stolen police vehicle's control panel. A stopwatch application was used to time the auto locking mechanism. The gun rack was unlocked by pressing a button on the control panel, and an audible "click" was heard releasing the lock. The system automatically locked the gun rack after approximately six seconds, at which time an additional "click" was heard, and the rack was locked, preventing anyone from simply pulling the claw back and accessing the weapons

Senior Criminalist Leslie Thompson collected "touch" deoxyribonucleic acid (DNA) samples from the rifle and shotgun, the gun racks, and the gun lock release button on the center control panel.<sup>17</sup> The samples from the rifle and shotgun were collected from the area above the lock. A DNA reference sample was collected from Gevork A. as part of the autopsy examination. A DNA reference sample was also collected from Iside for DNA analysis purposes.

The DNA profile from the sample collected from the gun lock release button was a mixture consistent with two contributors. The profile of the major contributor matched Gevork A.'s profile.



Gun Lock Release Button on Control Panel

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<sup>17</sup> Epithelial, contact, or touch DNA is DNA that is transferred via skin cells when an object is handled or touched.

The DNA profile from the sample collected from the area above the rifle lock was a mixture consistent with two contributors. The profile of the major contributor matched Gevork A.'s profile.



Area Above Rifle Lock

The DNA profile from the sample collected from the rifle lock was a mixture consistent with two contributors. The profile of the major contributor matched Gevork A.'s profile.



Rifle Lock

The DNA profile from the sample collected from the area above the shotgun lock was a mixture consistent with at least three contributors. The profile of the major contributor matched Gevork A.'s profile.



Area Above Shotgun Lock

## LEGAL ANALYSIS

California law permits the use of deadly force in self-defense or in the defense of others if it reasonably appears to the person claiming the right of self-defense or the defense of others that he actually and reasonably believed that he or others were in imminent danger of great bodily injury or death.<sup>18</sup> *People v. Randle* (2005) 35 Cal.4<sup>th</sup> 987, 994 (overruled on another ground in *People v. Chun* (2009) 45 Cal.4<sup>th</sup> 1172, 1201); *People v. Humphrey* (1996) 13 Cal.4<sup>th</sup> 1073, 1082.

In protecting himself or another, a person may use all the force which he believes reasonably necessary and which would appear to a reasonable person, in the same or similar circumstances, to be necessary to prevent the injury which appears to be imminent.<sup>19</sup>

“Where the peril is swift and imminent and the necessity for action immediate, the law does not weigh in too nice scales the conduct of the assailed and say he shall not be justified in killing because he might have resorted to other means to secure his safety.” *People v. Collins* (1961) 189 Cal.App.2d 575, 589.

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<sup>18</sup> Penal Code section 197 and CALCRIM No. 505.

<sup>19</sup> CALCRIM No. 3470.

A police officer's attempt to terminate a dangerous high-speed car chase that threatens the lives of innocent bystanders does not violate the Fourth Amendment, even when it places the fleeing motorist at risk of serious injury or death. *Scott v. Harris* (2007) 550 U.S. 372; *Plumhoff v. Rickard* (2014) 134 S.Ct.2012, 2021. Further, if officers are justified in firing at a suspect in order to end a severe threat to public safety, they need not stop shooting until the threat has ended. *Plumhoff* at 2022.

"The 'reasonableness' of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than the 20/20 vision of hindsight.... The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments – in circumstances that are tense, uncertain, and rapidly evolving – about the amount of force that is necessary in a particular situation." *Graham v. Connor* (1989) 490 U.S. 386, 396-397.

The evidence examined in this investigation shows that Gevork A. stole a police vehicle and led officers on a dangerous high-speed, one-hour police pursuit that spanned several cities, and in which he committed numerous traffic violations, including causing a high speed collision. Gevork A. endangered the lives of numerous other motorists as he drove through numerous red traffic signals and stop signs in order to evade the pursuing officers. Gevork A. also endangered Officer Iside by driving off at a high rate of speed as Iside desperately tried to cling onto the driver's door of his police vehicle, attempting to prevent Gevork A. from taking it.

Iside's stolen police vehicle contained two fully loaded high-caliber weapons, an AR-15 rifle and a shotgun, within arms-reach of the driver's seat. The evidence examined further shows that throughout the course of the pursuit, Gevork A. actively engaged the buttons on the police vehicle's control panel, and that he touched the gun release button. Gevork A.'s actions led Officers Del Haro and Bowman to reasonably believe that Gevork A. had disengaged the guns, and was prepared to use them to continue his desperate attempt to flee from the officers.

Further, by the time Del Haro and Bowman finally confronted Gevork A., Gevork A. had established that he was determined to escape. When pitted by Del Haro's vehicle, Gevork A. accelerated in reverse, colliding with a block wall before making yet another attempt to flee. When his vehicle was finally pinned in place by the two officers' police vehicles, Gevork A. continued his attempt to escape by reaching for the guns. Both Officers Del Haro and Bowman distinctly observed Gevork A. reaching for and grabbing the shotgun and the rifle, placing them in immediate fear for their lives and causing them to respond with deadly force.

The officers' observations of Gevork A. grabbing the shotgun and rifle are corroborated by the DNA examination results of the weapons. Gevork A.'s touch, or epithelial DNA, was recovered from the area above the rifle lock, the rifle lock, and the area above the shotgun lock. The results are consistent with Gevork A.'s hand/s being on the guns.<sup>20</sup> Gevork A.'s touch DNA on the gun

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<sup>20</sup> It has been noted in the scientific literature that stronger contact pressure applied to an item is a factor that increases the probability of touch DNA being left on an item. Hence, it is reasonable to infer that Alachadzhyan did not merely brush his hand against the weapons, but grabbed for them. *Minor, J. (2013). Touch DNA: From the Crime Scene to the Crime Laboratory. Forensic Magazine.*

lock release button also supports the officers' fears that Gevork A. had the ability to unlock/disengage the guns.

Based on all of Gevork A.'s actions, and specifically Gevork A.'s reaching for the rifle and shotgun, Del Haro and Bowman actually and reasonably believed that Gevork A. posed an imminent deadly threat. Their decision to use deadly force to end this threat was reasonable.

## **CONCLUSION**

For the foregoing reasons, we conclude that Corporal Adrian Del Haro and Officer Matthew Bowman acted lawfully in self-defense when they used deadly force against Gevork Alachadzhyan. We are therefore closing our file and will take no further action in this matter.